

AMENDMENTS TO THE CLAIMS:

This following listing of claims replaces all prior listings, and all prior versions, of claims in the application.

Listing of Claims:

Claims 1-12 (cancelled).

13. (Currently Amended) A non-aqueous secondary battery comprising:  
a positive electrode,  
a negative electrode, and  
electrolytic solution, wherein  
said negative electrode comprises graphite powder having a crystal structure,  
and wherein a rhombohedral fraction, of the crystal structure of the graphite powder,  
is in a range of 0-20 % by weight, and a particle size of the graphite powder is equal  
to or smaller than 100  $\mu\text{m}$ .

14. (Currently Amended) A non-aqueous secondary battery comprising:  
a positive electrode,  
a negative electrode, and  
electrolytic solution, wherein  
said negative electrode comprises graphite powder having a crystal structure,  
and wherein a hexagonal fraction, of the crystal structure of the graphite powder, is  
in a range of at least 80% by weight, and a particle size of the graphite powder is  
equal to or smaller than 100  $\mu\text{m}$ .

15. (Currently Amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode,

said positive electrode or said negative electrode intercalating and deintercalating ions, wherein

said negative electrode comprises graphite powder having a crystal structure, the crystal structure including a hexagonal crystal structure fraction and a rhombohedral crystal structure fraction, and a particle size of the graphite powder is equal to or smaller than 100  $\mu\text{m}$ , as an active material, and

~~an existing ratio of the hexagonal crystal structure fraction in the crystal structure of said graphite powder~~ is at least 80% by weight.

16. (Cancelled)

17. (Currently Amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode,

said positive electrode or said negative electrode intercalating and deintercalating ions, wherein

an active material of said negative electrode is carbon material,

said carbon material is composed of graphite ~~crystal~~ powder having crystal structure,

said graphite ~~crystal~~ powder has a particle size equal to or smaller than

100  $\mu\text{m}$ , and

~~an existing ratio of a fraction of~~ a hexagonal crystal structure in the crystal structure of said graphite crystal powder is at least 80% by weight.

18. (Currently Amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode,

said positive electrode or said negative electrode intercalating and deintercalating ions, wherein

an active material of said negative electrode is carbon material,

said carbon material is composed of natural graphite ~~crystal powder~~ having a crystal structure and having a particle size equal or smaller than 100  $\mu\text{m}$ , and

~~an existing ratio-fraction of~~ a hexagonal crystal structure in the crystal structure of said natural graphite ~~crystal powder~~ is at least 80% by weight.

19. (Currently Amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode,

said positive electrode or said negative electrode intercalating and deintercalating ions, wherein

said negative electrode comprises carbon material as an active material,

said carbon material is composed of graphite ~~crystal powder~~ having a crystal structure,

said graphite ~~crystal~~ powder has a particle size equal to or smaller than 100  $\mu\text{m}$ ,

an existing ~~ratio~~ fraction of hexagonal crystal structure in the crystal structure of said graphite ~~crystal~~ powder is at least 80% by weight, and

said graphite ~~crystal~~ powder has a deintercalating capacity for lithium of at least 320 mAh/g.

20. (Currently Amended) A non-aqueous secondary battery comprising:  
a positive electrode,  
a negative electrode, and  
electrolytic solution, which is charged or discharged by repeating a reaction of intercalating and deintercalating ions at said positive electrode and said negative electrode, respectively, wherein  
powder

said negative electrode comprises graphite powder having a crystal structure, wherein a fraction of a rhombohedral crystal structure of the crystal structure of the graphite powder is equal to or less than 20% by weight and a particle size of the graphite powder is equal to or smaller than 100  $\mu\text{m}$ .

21. (Currently Amended) A non-aqueous secondary battery as claimed in claim 20, wherein

said graphite powder has a fraction of a hexagonal crystal structure of the crystal structure of the graphite powder which is equal to or more than 80% by weight.

Claims 22-23 (Cancelled).

24. (Currently Amended) A non-aqueous secondary battery comprising:  
a positive electrode,  
a negative electrode, and  
electrolytic solution, which is charged or discharged by repeating a reaction of  
intercalating and deintercalating ions at said positive electrode and said negative  
electrode, respectively, wherein  
said negative electrode comprises graphite powder having a particle size  
equal to or smaller than 100  $\mu\text{m}$ ,  
said graphite powder has a crystal structure which includes both a hexagonal  
crystal structure and a rhombohedral crystal structure, and  
the crystal structure of said graphite powder has a fraction of the  
rhombohedral crystal structure equal to or less than 20% by weight, and a fraction of  
the hexagonal crystal structure equal to or more than 80% by weight.

Claims 25.-31. (Cancelled).

32. (Currently Amended) A non-aqueous secondary battery as claimed in  
claim 13, wherein the crystal structure of said graphite powder includes at least a  
fraction having hexagonal crystal structure.

33. (Currently Amended) A non-aqueous secondary battery as claimed in  
claim 20, wherein the crystal structure of said graphite powder includes at least a  
fraction having hexagonal crystal structure.

34. (new) A non-aqueous secondary battery according to claim 13, wherein the graphite powder has substantially completely the crystal structure.

35. (new) A non-aqueous secondary battery according to claim 14, wherein the graphite powder has substantially completely the crystal structure.

36. (new) Electrodes according to claim 17, wherein the graphite powder has substantially completely the crystal structure.

37. (new) A non-aqueous secondary battery according to claim 20, wherein the graphite powder has substantially completely the crystal structure.

38. (new) A non-aqueous secondary battery according to claim 24, wherein the graphite powder has substantially completely the crystal structure.